REMARKS/ARGUMENTS

In this amendment, claims 1 and 26 are amended. No claims are canceled or added. Thus, claims 1-16, 18-22, 25-40, 42, 45, 68, 70-72, and 74-77 remain pending.

Rejection under 35 U.S.C. § 112, written description

Claims 1-16, 18-22, 25-40, 42, 45, 68, 70-72, 74-77 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the limitation "optimization parameters including information not provided by the customer" is asserted to be not supported. To expedite issuance, this claim limitation has been removed. Thus, Applicants respectfully requests withdrawal of this rejection.

Applicants respectfully request withdrawal of the objection to the specification for the same reason.

Rejection under 35 U.S.C. § 103(a), Sammon, Jacobs, and Walker

Claims 1-16, 18-22, 25, 68, 70-71, 76

Claim 1 is allowable over the cited references, either alone or in combination, as those references fail to teach or suggest all the elements of claim 1. For example, claim 1 recites:

> *A method for assisting a customer in choosing a combination of commodities, wherein the commodities are organized into N categories, wherein said combination is composed of one commodity selected from each category, and each commodity category has at least two commodity options, and wherein N is an integer greater than one, the method comprising:*
> *(a) ranking the options within each commodity category based, in part, on at least one optimization parameter;*
> *(b) creating at least N combinations of commodity options by, for each of the N commodity categories:*
> *(i) selecting a highest ranked option for that commodity category;*
> *(ii) automatically selecting any options in other commodity categories that are linked to the option selected in step(b)(i);*
> *(iii) selecting valid options for remaining commodity categories, until the combination of commodity options is complete.*

Sammon

In Sammon, a personal profile of preferences and requirements helps a user choose a product. *See Sammon*, col. 2 lines 3-7. For example, a user can use the invention to

obtain suggestions for a car or mutual fund based on preferences such as the type of car desired or features of the car that are desirable. *Id.*, 61-65, FIG. 5-13. At page 4, the Office Action asserts that the product domain of cars would be a single commodity with new cars, used cars, etc. being different categories. However, the cars are not ranked within each category, but a single ranking of all of the cars is provided. *Id.*, col. 11 lines 35-50. Thus, a user is provided with "a ranked list of items which satisfy the requirements ordered by the preferences expressed by the user." *Id.*, col. 4. lines 5-7.

As rankings occur across all categories of a product domain, a single product domain of Sammon effectively equates to a single commodity category of claim 1. Accordingly, Sammon does not teach or suggest "*N commodity categories*" where "*N is an integer greater than one*," as well as not teaching or suggesting a combination of commodities, particularly "*wherein said combination is composed of one commodity selected from each category*," as recited in claim 1.

Jacobs

Jacobs is directed to a kiosk that sells greeting cards. *See Jacobs*, Fig. 1 col. 5 lines 7-14. A person can customize a card with replaceable components. *Id.* ,col. 2 lines 50-55, FIG. 5-8. In one embodiment, all of the cards are ranked as a complete object according to a suitability of each component, just as the products in Sammon are ranked. *Id.*, col.3 lines 17-53; FIG.14 and col. 17 line 59 to col. 18 line 1. Thus, this embodiment of Jacobs does not teach or suggest the above-mentioned claims limitations for the same reasons as Sammon.

In another embodiment, the suitability of each component is calculated and the components with the highest suitability ratings are displayed to the customer. *Id.*, col. 3 lines 54-59. The customer selects one component from each product category. *Id.*, col. 3 lines 59-62. Thus, either no combination is actually created or at best one combination is created when the customer makes the selection. Accordingly, Sammon in view of Jacobs does not teach "*creating at least N combinations of commodity options*," where "*N is greater than one*," as recited in claim 1.

The cited teachings of Walker do not make up for these deficiencies in Sammon and Jacobs.

Note that Sammon in view of Jacobs also does not teach the limitation of (b)(ii) as admitted on page 5 of the current Office Action. For the following reasons, the combination with Walker does not teach or suggest the limitation in (b)(ii).

Walker

Walker is directed to selling vending machine packages. *See Walker*, col. 2 lines 55-59. An operator can define a particular package of a certain kind of soda with a certain kind of chips, where the package gets a price break. *Id.*, FIGS. 4 -5 and 7-9D. Walker is non-analogous art as it is neither directed to the same content as Sammon or Jacobs nor is it directed to the same problem of optimizing a choice for a user. Walker is simply directed at package deals. Even if there were a motivation to combine, Walker does not make up for the deficiencies in the Sammon and Jacobs, as it detailed below.

In one embodiment of Walker, the customer chooses the package as an option on the machine. *Id.*, FIG. 11. Thus, Walker's predefined packages, which are not the result of any ranking procedure, would simply correspond to the pre-defined cards of Jacobs. As mentioned above, Jacobs' pre-defined cards do not teach or suggest rankings for each category or creating N combinations based on the rankings, as recited in claim 1.

In another embodiment, the vending machine can also suggest a complementary product when a first product is chosen, in order to upsell a package. *Id.*, FIG. 12 and col. 10 lines 29-58. Even if there were a motivation to combine the upsell embodiment, the combination would not automatically select a linked commodity. First, the customer would be given the option for an upsell. Also, the customer would be given a list of items or at least be required to select the linked item. In contrast, claim 1 recites "*automatically selecting any options in other commodity categories that are linked to the option selected in step(b)(i)*."

For at least the reasons stated above, Applicant submits that claim 1 and its dependent claims 2-16, 18-22, 25, 68, 70-71, and 76 are allowable over the cited references.

Claims 26-40, 42, 45, 72, 74-75, 77

Applicants submit that independent claim 26 should be allowable for at least this same rationale. Claims 27-40, 42, 45, 72, 74-75, and 77 depend from claim 26, and thus derive patentability at least therefrom.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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